

ORDINANCE NO. 2018-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING CHAPTER 22 OF THE ESCONDIDO MUNICIPAL CODE TO UPDATE WASTEWATER, STORMWATER, AND INDUSTRIAL PRETREATMENT REQUIREMENTS AS WELL AS TO CLARIFY REQUIREMENTS FOR INTERAGENCY SEWER EXCHANGES

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That the definition of “Authorized Representative” in Section 22-1, Article 1, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Authorized representative shall mean the following:

- (1) A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy or decision making functions, if the discharger is a corporation;
- (2) The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if the discharger is a corporation, and authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (3) A general partner or proprietor if the discharger is a partnership or proprietorship, respectively;

(4) A principal executive officer or director having responsibility for the overall operation of the discharging facility or a ranking elected official if the discharger is a governmental entity, charitable organization or other such unincorporated entity;

(5) A representative authorized in writing by an individual designated above, if the authorization is submitted to the director and specifies an individual or a position having responsibility for the overall operation of the facility. This includes the position of plant manager, a position of equivalent responsibility for environmental matters for the company. If an authorization under this subsection is no longer accurate because a different individual or position has the responsibility for the overall operation of the facility, or overall responsibility for environmental matters of the company, a new authorization satisfying the requirements of this subsection must be submitted to the director prior to or together with, any reports to be signed by such person; or

(6) The Director or the Director's designee, for purposes of submitting reports or certifications required of the City in relation to the subject matters contained in this Chapter.

SECTION 2. That the definitions of "Enforcement Response Procedures," "F.O.G. Removal Equipment," and "Stormwater" are hereby added in their respective alphabetical listed position to Section 22-1 of Article 1, Chapter 22 of the Escondido Municipal Code is as follows:

Enforcement Response Procedures is a document that describes and outlines enforcement response procedures used as a general control mechanism required by 40 CFR 403.8(f)(5) to accomplish compliance as well as determine monetary remedies for non-compliance.

F.O.G. Removal Equipment shall include grease interceptors, grease traps, clarifiers, sand/oil separators and similar equipment or technology designed to reduce discharge of fats, oils and grease.

Stormwater shall mean storm water runoff, snow melt runoff, and surface runoff and drainage resulting from precipitation events.

SECTION 3. That Section 22-5 of Article 1, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-5. Sewer service outside city limits authorized.

Property outside the boundaries of the city may be connected to the city sewerage system if the City Council finds there is sufficient capacity to serve such property and it appears to be in the best interests of the city to supply such service. Agreements between the City and other public agencies for the provision of sewer service outside of the boundaries shall be approved by the City Council. Any other sewer service outside the boundaries of the City shall be temporary and subject to cancellation upon reasonable notice.

SECTION 4. That Section 22-8 of Article 1, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-8. Improper disposal of sewage unlawful.

(a) It is unlawful for any person to cause, suffer or permit the disposal of sewage, human excrement or other liquid wastes in any place or manner except through and by means of an approved plumbing and drainage system or an approved sewage disposal system installed and maintained in accordance with the provisions of Article 7 of Chapter 6 and this Chapter.

(b) It is unlawful for any person to establish, use or maintain any unauthorized connection to the Sanitary sewer system.

SECTION 5. That Section 22-11 of Article 1, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-11. Enforcement and remedies.

(a) It is unlawful for any person, or entity to violate provision of this chapter. Any violation of this chapter shall be a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1,000.00) or be imprisoned for a period of not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(b) The violation of any provision of this chapter, any standard adopted by this chapter, or any permit or permit condition issued under this chapter is hereby declared a public nuisance, and shall be abated by any means available under the law. The city may also pursue any of the alternative civil remedies herein against any discharger who violates the provisions of this chapter. The city may pursue any of the following alternative remedies against any person, or entity who violates the provisions of this chapter:

(1) Repair of damage to facilities. When a discharge to a MS4, a prohibited discharge to the sewage system, or a prohibited discharge to the IBCS, causes an obstruction, damage, or other impairment to the MS4, the sewage system, or the IBCS, any person or entity causing such obstruction, damage, or impairment shall be liable for the work required to clean or repair the system.

(2) Injunction. Whenever a discharge to a MS4 or a prohibited discharge

to the sewage system, of IBCS is in violation of this chapter or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the city may petition the Superior Court for the issuance of injunctive relief as may be appropriate, preventing the continuance of such discharge.

(3) Reimbursement. Whenever the city is assessed any fine, fee, or penalty as a result of a discharge to a MS4, or a prohibited discharge to the Sewage system or IBCS, in violation of this chapter, the city may seek reimbursement of such fine, fee, or penalty from the discharger.

(4) Cost recovery. Whenever the city incurs any costs or expenses abating any discharge in violation of any provision of this chapter, the city may seek reimbursement of such costs from the person, or entity causing such violation. Any such expense shall constitute a debt owed to the city, and shall include both the direct and indirect costs involved in the abatement of the illegal discharge and in collecting such reimbursement.

(5) Stop work notice. Whenever any violation of this chapter exists, a stop work notice may be issued and all regular work on a project must cease until the required remedies are implemented.

(6) Administrative citation. Any person violating this chapter may be issued an administrative citation, as provided in Chapter 1A, Administrative Remedies, of this code. Failure to satisfactorily respond to a written notice of violation within the time frame specified by the director or a duly authorized designee can result in the issuance of an administrative citation. Each and every day a violation of any provision of this chapter constitutes a separate and distinct offense. In accordance with the fees set by

the city, a graduated schedule of administrative fines will be used to assess the first and any successive violations.

(7) Ten thousand dollar (\$10,000.00) per day penalty. Any person who violates any order issued by the director or any provision of this chapter, shall be liable civilly to the city in a sum not to exceed ten thousand dollars (\$10,000.00) for each day in which such violation occurs. The city attorney shall have authority to petition the superior court to impose, assess and recover any such sums.

(8) Termination of service. The city may terminate or cause to be terminated wastewater treatment or water service to any premises if a violation of any provision of this chapter pertaining to control of wastewater is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution or nuisance, as defined in this chapter. This provision is in addition to other statutes, rules or regulations authorizing termination of service.

SECTION 6. That subsection (l) is hereby added to Section 22-26 of Article 2, Chapter 22 of the Escondido Municipal Code as follows:

(l) Compliance with the City of Escondido Storm Water Design Manual and Jurisdictional Runoff Management Plan. Every person undertaking any activity or use of a premises which may cause or contribute to stormwater pollution or contamination, illegal discharges, or nonstormwater discharges shall comply with design, reporting, certification and other requirements set forth in the City of Escondido Storm Water Design Manual and Jurisdictional Runoff Management Plan as if fully set forth herein. The Director may administratively interpret and apply any requirements consistent with industry practice.

SECTION 7. That Section 22-35 of Article 3, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-35. When discharge of industrial cooling, process waters in sewers, natural outlets permitted.

Industrial cooling water or unpolluted process waters may be discharged only after prior written approval from the Director, into a sanitary sewer or natural outlet.

SECTION 8. That Section 22-38 of Article 3, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-38. F.O.G. removal equipment required; type, construction, location.

(a) F.O.G. removal equipment shall be provided in all cases required by published building codes, unless in the sole and absolute opinion of the Director or a designee, in writing, that they are not necessary for the proper handling of liquid wastes containing grease or other potential hazardous wastes in excessive amounts, or any flammable wastes, sand and other harmful ingredients. Living quarters or dwelling unit(s) with a commercial kitchen must have F.O.G. removal equipment.

(b) Where installed, all F.O.G. removal equipment shall be of a type and capacity approved by the Director or designee, and shall be located as to be readily and easily accessible for cleaning and inspection.

(c) The Director, or designee, shall have the authority to promulgate rules, regulations and requirements consistent with the provisions of this chapter, and state and federal requirements, to regulate the type, capacity, placement, and maintenance of F.O.G. removal equipment. A violation of the rules, regulations or requirements shall be deemed a violation of this chapter.

(d) When needed for maintenance, the owner must install clean outs for maintenance and inspection purposes at his or her cost. Each separate chamber of the grease interceptor must have a manhole lid to access, inspect and maintain all of the internal plumbing.

(e) All F.O.G. removal equipment must have an approved sample tee, or sample box installed on the effluent discharge line. The sample tee or box shall be installed on any equipment that does not currently have an approved sample point, at the discretion of the Director or designee to ensure compliance with local discharge limits set forth by this chapter. The sample point shall be installed at the business owner's expense, and be approved by the pretreatment department and building department prior to installation.

SECTION 9. That Section 22-40 of Article 3, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-40. Preliminary treatment of water, waste prior to discharge into sewers.

The admission into the public sewers of any water or waste having: (a) a five (5) day B.O.D. greater than three hundred (300) milligrams per liter (mg/l); or (b) containing more than three hundred (300) milligrams per liter (mg/l) of suspended solids; or (c) containing any quantity of substances having the characteristics described in section 22-37; or (d) having an average daily flow greater than 25,000 gallons per day shall be subject to review and approval of the Director. Where necessary in the opinion of the Director, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to: (a) reduce the B.O.D. to three hundred (300) milligrams per liter

(mg/l) and the suspended solids to three hundred (300) milligrams per liter (mg/l); or (b) reduce objectionable characteristic or constituents to within the maximum limits provided for in section 22-37; or (c) control the quantities and rates or discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the director, and no construction of such facilities shall be commenced until said approval is obtained in writing.

SECTION 10. That Section 22-172 of Article 8, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-172. Industrial users.

(a) Industrial users are broken down into three (3) classes as set forth in this section:

(1) Class I – Significant Industrial User (SIUs). All industries that are currently regulated under Federal Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N., or any industrial users that discharge an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the HARRF, contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the HARRF, or is designated as such by the city on the basis that the Industrial User has a reasonable potential for adversely affecting the HARRF's operation or for violating any pretreatment standard or requirement. All must be permitted, inspected and sampled.

(2) Class II – Non-Categorical Non-Significant Industrial Users: These are non-categorical, non-SIUs whose flow discharges are less than twenty-five thousand

(25,000) gpd:

Class II-a: Pretreatment Required: These are the non-SIU dischargers who are required to have pretreatment. Usually interceptors, grease traps, clarifiers, sand oil separators, amalgam separator, silver recovery system, and or any type of source control equipment. This classification is primarily automotive service establishments, food service establishments, and some industrial and commercial facilities.

Class II-b: No Pretreatment Required: These are non-SIU dischargers that have no potential to adversely affect the wastewater treatment process and operation at the HARRF and do not violate any pretreatment standard, prohibition or requirement of this chapter.

(3) Class III – Non-Significant Categorical Industrial User (NSCIU) is defined as an Industrial User subject to a categorical pretreatment standard which never discharges more than 100 gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) and also meets the following conditions:

(i) The Industrial User has consistently complied with all applicable categorical pretreatment standards and requirements;

(ii) The industrial user annually submits a certification statement required by 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and

(iii) The Industrial User never discharges any untreated concentrated wastewater.

(b) The Director may create additional classifications for Industrial Users. The pretreatment requirements applicable to such classifications shall comply with local, state and federal law. The Director may, in accordance with 40 CFR 403.3(v)(3), determine that an Industrial User that meets the criteria for Class I, Significant Industrial User, has no reasonable potential for adversely affecting the HARRF or for violating any pretreatment standards or requirement, and, upon such finding, the Director may determine that the Industrial user is not a Significant Industrial User.

The Director's power includes, but is not limited to, issuing a Zero Discharge Certification to Zero Discharge Categorical Users. Zero Discharge Categorical Users are industrial users subject to federal pretreatment standards, as described in 40 CFR 405 et seq., that have any connection to the sanitary sewer system, but do not discharge wastewater from the categorical process to the sanitary sewer. Such certifications shall include all information the Director deems necessary to ensure compliance with this Chapter and all applicable state and federal laws.

(c) Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and prohibitions set out in this chapter within the time limits specified by EPA, the state or the city, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under

the provisions of this chapter.

(d) Whenever deemed necessary, the city may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestream, and such other conditions as may be necessary to protect the POTW and determine the users' compliance with the requirements of this chapter.

(e) The city may require any person discharging into the POTW to install and maintain on their property and at their expense a suitable storage and flow-control facility to ensure equalization of flow.

(f) All non-domestic dischargers are required to have a current business license with the city.

(g) Industrial users in significant noncompliance. An industrial user is in significant noncompliance if its violation meets one (1) or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 302.2(l);

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined

by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for biochemical oxygen demand (“BOD”), total suspended solids (“TSS”), fats, oil, and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW’s exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; and

(8) Any other violation(s) or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation of implementation of the local pretreatment program.

SECTION 11. That subsection (e) of Section 22-173 of Article 8, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-173. Prohibited discharges.

(e) Any rainwater, stormwater, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays or any other uncontaminated water, unless approved in writing by the Utilities Director or designee;

SECTION 12. That subsection (b) of Section 22-174, Article 8, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

(b) City of Escondido local limits shall apply to all discharges to the city's sewage system. The local limits may be allocated among industrial user classes or individual users as uniform or non-uniform concentration limits and mass loading limits. The industry being issued daily maximum concentrations may vary depending on the type of industry, flow and loading that may impact the HARRF and will be issued limits applicable to that specific industry.

The daily maximum concentration level limits of specific contaminants which may be present in a user's discharge to the city sewage system shall be set by Resolution of the City Council. It is unlawful to discharge wastewater containing contaminants in excess of the Daily Maximum Limits set by Resolution of the City Council.

SECTION 13. That subsection (a) of Section 22-178, Article 8, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

(a) Terms. All wastewater discharge permits shall be expressly subject to all provisions of this article. All permits shall also contain the following terms:

- (1) A group classification designation;
- (2) Monitoring requirements;

- (3) Requirements for reports of initial and continuing compliances;
- (4) Requirements for pretreatment facilities; and
- (5) A statement of all applicable civil and criminal penalties for violation of this article, and any applicable compliance schedule.

SECTION 14. That Section 22-179 of Article 8, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-179. Permit duration.

Permits shall be issued for a time period not to exceed five (5) years and shall expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

SECTION 15. That Section 22-185 of Article 8, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-185. Pretreatment.

(a) Pretreatment requirements for food service establishments, automotive service establishments, and other commercial/industrial establishments.

(1) Each establishment shall have their own separate F.O.G. removal equipment.

(2) Each food service establishment must have their own separate rendered oil container.

(3) Any tenant improvement, addition of fixtures or remodel of an existing facility shall require installation or upgrade of F.O.G. removal equipment. F.O.G. removal equipment must be approved by the pretreatment department prior to installation and must comply with the most recently adopted version of the Uniform Plumbing Code

by the Building Standards Commission, as well as any other requirements mandated by the pretreatment department.

(4) F.O.G. removal equipment shall be provided when, in the expert view of the director or designee, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or regulated wastes, sand and other harmful or potentially harmful materials; except that such equipment shall not be required for private living quarters or dwelling units. All F.O.G. removal equipment shall be of a type and capacity as required by the most recently approved Uniform Plumbing Code and approved by the Director or designee, and located so as to be readily and easily accessible for cleaning and inspection.

(5) All stored liquid waste must be stored under cover and have secondary containment.

(6) The requirement for installation of F.O.G. removal equipment shall be indicated in the user's wastewater discharge permit.

(7) All F.O.G. removal equipment deemed necessary shall be installed and maintained at the owner's expense.

(8) All pretreatment equipment shall be cleaned by a licensed hauler and in efficient operation at all times. Pretreatment equipment that is failing or damaged must be replaced to current standards.

(9) Food waste disposal units and waste pulper systems are not allowed in commercial kitchens. Food service establishment dishwasher units must discharge downstream of the facilities grease removal equipment.

(10) Any maintenance service establishment that generates automotive

waste shall have a proper California Hazardous Waste Permanent ID number provided by the Department of Toxic Substances Control. All generated waste shall be disposed of properly through a licensed hauler for the automotive wastes generated on-site including, but not limited to, motor oil, oil filter, antifreeze, transmission fluid, and paint waste wet and dry.

(11) Automotive detail establishments must have an approved pretreatment system that meets the requirements of this Chapter and is approved by the Director or the Director's designee.

(12) Maintenance records, and hauling and disposal manifests shall be current, and kept on-site and readily available for inspection at all times. Each individual discharger shall retain their own maintenance records for pretreatment equipment, even when there is existing communal pretreatment equipment on-site. Falsified records shall result in an administrative citation and may also result in additional enforcement action pursuant to Section 22-11.

(b) Mercury reduction program. The city may require on-site silver recovery and/or mercury pretreatment at photographic, medical, dental facilities or the like, in order to insure compliance with the city's local limits for silver and mercury. The city will regulate these industries under Class II-a permits.

(c) Pretreatment requirements for a beer manufacturer, winegrower, brandy manufacturer, or distilled spirits manufacturer may be determined administratively by the director based on the quality and quantity of the operations and in accordance with all provisions of this chapter.

SECTION 16. That Section 22-186 of Article 8, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-186. Protection from accidental/slug discharge and Bypass of the Treatment Facility.

(a) Protection from accidental/slug discharge.

(1) The city shall evaluate whether each significant industrial user needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The city may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges.

(2) Each nonresidential user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this article. Facilities to prevent accidental discharge of such materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operation procedures to provide this protection shall be submitted to the director or designee for review, and shall be approved by the director or designee before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of this article.

(3) Each user required to provide facilities for protection from accidental discharge shall be identified in the user's wastewater discharge permit. Permit provisions shall describe the extent of facilities required and shall outline a compliance schedule.

(4) If, for any reason, a facility does not comply with or is unable to comply with the protection from accidental discharge limitations of this article, the facility responsible for such discharge shall immediately notify the POTW or appropriate

response authority so that corrective action may be taken to protect the treatment system.

(5) In the event of any accidental discharge, a written report addressed to the director or designee detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible nonresidential facility within five (5) days of the occurrence of the noncomplying discharge.

(6) At least once every two (2) years, the director or designee shall evaluate whether each significant industrial user needs an accidental discharge/sludge control plan. The director or designee may require any user to develop, submit for approval, and implement such a plan. Alternatively, the director or designee may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

(A) Description of discharge practices, including non-routine batch discharges;

(B) Description of stored chemicals;

(C) Procedures for immediately notifying the director of any accidental or slug discharge, as required by this section; and

(D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(7) Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge.

(b) Bypass of a Treatment Facility. For purposes of this section, bypass shall mean the intentional diversion of regulated wastestreams around an Industrial User's pretreatment system. Any bypass is prohibited unless otherwise permitted by 40 CFR 403.17. In the event of a bypass, the Industrial User must comply with all the requirements of 40 CFR 403.17.

SECTION 17. That Section 22-199 of Article 9, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-199. Limitations on discharges.

The discharger of effluent through the IBCS shall comply with the following:

(a) Wastewater management systems that discharge to the Pacific Ocean through IBCS must be designed and operated in a manner that will maintain the indigenous marine life and a healthy and diverse marine community.

- (b) Wastewater discharged to the Pacific Ocean through IBCS must be free of:
- (1) Material that is floatable or will become floatable upon discharge;
 - (2) Settleable material or substances that may form sediments, which will degrade benthic communities or other aquatic life;
 - (3) Substances, which will accumulate to toxic levels in marine waters, sediments, or biota;
 - (4) Substances that significantly decrease the natural light to benthic communities and other marine life; and
 - (5) Materials that result in aesthetically undesirable discoloration of the

ocean surface.

(c) Waste that contains pathogenic organisms or viruses shall be discharged through the IBCS at a sufficient distance from shellfishing and water contact sports areas to maintain applicable bacterial standards without disinfection. Where conditions are such that an adequate distance cannot be attained, reliable disinfection in conjunction with a reasonable separation of the discharge point from the area of use must be provided. Disinfection procedures shall be used that do not increase effluent toxicity and that constitute the least environmental and human hazard.

(d) The discharge of effluent shall not result in the increase in the natural water temperature exceeding four (4) degrees Fahrenheit at: (A) the shoreline; (B) the surface of any ocean substrate; or (C) the ocean surface beyond one thousand (1,000) feet from the discharge system.

(e) The discharge of effluent shall not affect the natural temperature of designated areas of special biological significance.

(f) The discharger shall not cause pollution, contamination, or nuisance, as those terms are defined in Clean Water Act Section 13050, as a result of the treatment or discharge of wastes.

(g) Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a manner approved by the San Diego Regional Water Quality Control Board.

(h) Any material or quantity of material which will cause HARRF effluent to exceed the concentration limits of its NPDES permit as established by the San Diego Regional Water Quality Control Board, and any subsequent amendments as are duly

adopted from time to time by the Regional Water Quality Control Board.

(i) The most recent version of the State Water Resources Control Board's California Ocean Plan.

SECTION 18. That subsection (d) of Section 22-200, Article 9, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

(d) Certification statements. The following certification statement must be signed by an authorized representative on all reports required under this section:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

SECTION 19. That Section 22-203 of Article 9, Chapter 22 of the Escondido Municipal Code is hereby added as follows:

Sec. 22-203. Best Management Practices and Pollution Prevention.

The Director shall establish, apply and enforce an industrial user's evaluation and regulatory program which will establish discharge regulations, discharge prohibitions, and requirements under which industrial dischargers will be allowed to discharge to the IBCS.

SECTION 20. That Section 22-204 of Article 9, Chapter 22 of the Escondido Municipal Code is hereby added as follows:

Sec. 22-204. Spill Prevention and Response Plans.

(a) For purposes of this section, a spill is a discharge of brine wastewater that occurs at a location from the IBCS in violation of the Discharge Prohibitions of this Chapter. This section does not include sanitary sewer overflows reportable under separate waste discharge requirements.

(b) The IBCS discharger shall maintain a Spill Prevention Plan (SPP) for the IBCS in an up-to-date condition and shall amend the SPP whenever there is a change (e.g., in the design, construction, operation, or maintenance of the IBCS) which materially affects the potential for spills. The City shall review the SPP as appropriate after each spill from the IBCS. The SPP and any amendments thereto shall be subject to the approval of the Director or designee. The IBCS discharger shall ensure that the up-to-date SPP is readily available to the personnel at all times and that personnel are familiar with it.

(c) The IBCS discharger shall maintain a Spill Response Plan (SRP) for the IBCS in an up-to-date condition and shall amend the SRP, as necessary. The IBCS user shall review and amend the SRP as appropriate after each spill from the IBCS. The SRP and any amendments thereto shall be subject to the approval of the Director or designee. The IBCS discharger shall submit the SRP and any amendments thereto to the Director or designee upon request of the City. The IBCS discharger shall ensure that the up-to-date SRP is readily available to personnel at all times and that personnel are familiar with it.

SECTION 21. That Section 22-205 of Article 9, Chapter 22 of the Escondido Municipal Code is hereby added as follows:

Sec. 22-205. Spill Reporting Requirements.

(a) Report the spill to the Industrial Waste Environmental Inspector by telephone, by voice mail, or by FAX within 24 hours from the time the Discharger becomes aware of the spill. The IBCS discharger shall inform the Regional Water Board of the date of the spill, spill location and its final destination, time the spill began and ended, estimated total spill volume, and type of spill material. Submit a written report, as well as any additional pertinent information, to the Regional Water Board no later than five days following the starting date of the spill event.

(b) The IBCS discharger shall submit a written report, as well as any additional pertinent information, in which the spill occurred.

(c) For spills of material other than brine wastewater that cause, may cause, or are caused by significant operational failure, or endangers or may endanger human health or the environment, the IBCS discharger shall notify the Regional Water Board and Industrial Waste Environmental Inspector by telephone, by voice mail, or by FAX within 24 hours from the time the IBCS becomes aware of the spill. The IBCS discharger shall inform the Regional Water Board and Industrial Waste Inspector of the date of the spill, spill location and its final destination, time the spill began and ended, estimated total spill volume, and type of spill material.

(d) The spill reporting requirements do not relieve the IBCS discharger of responsibilities to report to other agencies, such as the Office of Emergency Services (OES) and the County of San Diego Department of Environmental Health Services.

SECTION 22. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 23. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 24. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 4th day of April, 2018 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MASSON, MORASCO, ABED
NOES : Councilmembers: NONE
ABSENT : Councilmembers: NONE

APPROVED:



SAM ABED, Mayor of the
City of Escondido, California

ATTEST:



DIANE HALVERSON, City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, DIANE HALVERSON, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2018-01 passed at a regular meeting of the City Council of the City of Escondido held on the 4th day of April, 2018, after having been read at the regular meeting of said City Council held on the 21st day of March, 2018.



DIANE HALVERSON, City Clerk of the
City of Escondido, California

ORDINANCE NO. 2018-01